	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		<b>GRANT NUMBER (FAIN):</b> 00349917 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> C9	<b>DATE OF AWARD</b> 07/17/2017		
<b>RECIPIENT TYPE:</b> State	<b>Send Payment Request to:</b> N/A		<b>MAILING DATE</b> 07/24/2017			
<b>RECIPIENT:</b> VA Dept of Environmental Quality 629 E Main St Richmond, VA 23219 <b>EIN:</b> 54-1661753	<b>PAYEE:</b> VA Dept of Environmental Quality 629 E Main St Richmond, VA 23219		<b>ACH#</b> 30359			
<b>PROJECT MANAGER</b> Nicole Sandberg 629 E Main St Richmond, VA 23219 <b>E-Mail:</b> nicole.sandberg@deq.virginia.gov <b>Phone:</b> 804-698-4043	<b>EPA PROJECT OFFICER</b> Ann Carkhuff 1650 Arch Street, 3WP10 Philadelphia, PA 19103-2029 <b>E-Mail:</b> Carkhuff.Ann@epa.gov <b>Phone:</b> 215-814-5735	<b>EPA GRANT SPECIALIST</b> Bernie McCullagh Grants and Audit Management Branch, 3PM70 <b>E-Mail:</b> Mccullagh.Bernie@epa.gov <b>Phone:</b> 215-814-5403				
<b>PROJECT TITLE AND DESCRIPTION</b> FY 17 VADEQ NPS Program This agreement provides partial assistance support of \$1,562,000 (including \$10,000 EPA in-kind) to the recipient in implementing their EPA approved CWA Section 319(h) nonpoint source pollution control activities as outlined in their EPA approved NPS Management Plan. Federal funds of \$1,507,000 are contingent upon availability.						
<b>BUDGET PERIOD</b> 07/01/2017 - 06/30/2022	<b>PROJECT PERIOD</b> 07/01/2017 - 06/30/2022	<b>TOTAL BUDGET PERIOD COST</b> \$5,115,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$5,115,000.00			
<p align="center"><b>NOTICE OF AWARD</b></p> <p>Based on your Application dated 04/12/2017 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,552,000. EPA agrees to cost-share 60.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,562,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>						
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>				
<b>ORGANIZATION / ADDRESS</b> US EPA Region 3, 3PM70 1650 Arch Street Philadelphia, PA 19103-2029		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 3 Water Protection Division 3WP00 1650 Arch Street Philadelphia, PA 19103-2029				
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
<b>Digital signature applied by EPA Award Official for Diana Esher - Assistant Regional Administrator for Policy and Management</b> John Krakowiak - Award Official delegate				<b>DATE</b> 07/17/2017		

## EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 1,552,000	\$ 1,552,000
EPA In-Kind Amount	\$	\$ 10,000	\$ 10,000
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 2,046,000	\$ 2,046,000
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 3,608,000	\$ 3,608,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1703LL0094	17	E1	03L5	202B01	4117			1,552,000
									1,552,000

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$476,917
2. Fringe Benefits	\$207,650
3. Travel	\$10,250
4. Equipment	\$0
5. Supplies	\$3,500
6. Contractual	\$28,961
7. Construction	\$0
8. Other	\$4,251,798
9. Total Direct Charges	\$4,979,076
10. Indirect Costs: % Base See Admin Condition #2	\$135,924
11. Total (Share: Recipient 40.00 % Federal 60.00 %.)	\$5,115,000
12. Total Approved Assistance Amount	\$3,069,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,562,000
15. Total EPA Amount Awarded To Date	\$1,562,000



## **Administrative Conditions**

### **1. General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-april-27-2017-or-later>

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<http://www.epa.gov/grants/grant-terms-and-conditions>.

### **2. Indirect Costs**

If the recipient does not have a previously established indirect cost rate, it agrees that it will prepare its indirect cost rate proposal and/or cost allocation plan and in accordance with 2 CFR 200.416 "Cost allocation plans and indirect cost proposals."

If EPA is the cognizant federal agency, the state recipient must send its indirect cost rate proposal within six (6) months after the close of the governmental unit's fiscal year to:

#### Regular Mail

Financial Analysis and Rate Negotiation Service Center  
Office of Acquisition Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, MC 3802R  
Washington, DC 20460

#### Mail Courier (e.g. FedEx, UPS, etc.)

Financial Analysis and Rate Negotiation Service Center  
Office of Acquisition Management  
US Environmental Protection Agency  
1300 Pennsylvania Avenue, NW, 6th floor  
Bid and Proposal Room Number 61107  
Washington, DC 20004

#### Electronic Submission (e.g. PDF)

OGD IndirectCost@EPA.GOV

Recipients are entitled to reimbursement of indirect costs, if they have a current rate agreement, or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate. Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval.

Recipients must comply with the audit requirements prescribed in 2 CFR 200.501(a).

### **3. Annual Federal Financial Report**



Pursuant to 2 CFR 200.327 and 200.343, the recipient agrees to submit to EPA an annual Federal Financial Report (FFR) (SF-425) when the budget period is longer than one year. The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31. Interim reports shall be submitted no later than 90 days after the end of each reporting period.

The form is available on the internet at:

<https://www.epa.gov/grants/epa-grantee-forms>.

**All FFRs must be submitted to the Las Vegas Finance Center (LVFC) via email  
LVFC-grants@epa.gov.**

#### **4. Contingent Funding**

In the event that additional Federal funds are not made available, the recipient agrees that each of the object class amounts in the approved budget shall be prorated by the ratio of the amount of total Federal funds awarded to the amount of total Federal funds contingently approved. If proration of the budget is not acceptable, the recipient must submit an amendment request for a budget revision. This request must be submitted to the Grants Management Officer (3PM70), at least 60 days before the expiration of the budget period. Pending approval of the revised budget submission, the grant will be amended to reflect the budget at actual funding level.

#### **5. Utilization Of Small, Minority And Women's Business Enterprises**

##### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

##### **MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E**

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide the EPA Grant Specialist with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be **signed and emailed to:**

**R3 MBE-WBE Reports@epa.gov**

**as a pdf file, or, if that is not possible, mailed to:**

**Hana Hyland,  
Small Business Program Coordinator (3DA10),  
U.S. EPA - Region III,  
1650 Arch Street,  
Philadelphia, PA 19103-2029**

**with a courtesy copy to the EPA Grant Specialist.** The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at:

[http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm);

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

#### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

#### **Current Fair Share Objective/Goal**

The dollar amount of this assistance agreement or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The Virginia Department of Environmental Quality has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE: CONSTRUCTION 7.4%; SUPPLIES 1.6%; SERVICES 7.7%; EQUIPMENT 5.0%

WBE: CONSTRUCTION 4.8%; SUPPLIES 2.5%; SERVICES 3.6%; EQUIPMENT 3.2%

#### **Negotiating Fair Share Objectives/Goals**

In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

#### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:



(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

#### **CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

#### **BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

#### **6. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE**

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308 (d)(2). Therefore, if a no-cost time extension is necessary to extend the period of availability of funds the recipient must submit a written request to the EPA prior to the budget/project period expiration dates. The written request must include: a written justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the administrative and programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

### **Programmatic Conditions**

#### **1. Satisfactory Progress**



Based upon the review of the FY2016 Annual Report dated April 21, 2017 and in accordance with the provisions of the Clean Water Act, Section 319(h)(8), entitled, "Satisfactory Progress", the Regional Administrator has determined that the Virginia Department of Environmental Quality (VADEQ), has made satisfactory progress in meeting the milestone schedule as identified in the approved Nonpoint Source Management Program Plan as described in correspondence dated May 12, 2017.

## **2. Reporting Requirements**

The recipient agrees to comply with all reporting requirements required by EPA regulations (40 CFR Part 35 and 2 CFR Part 200.328), Sections 319(h)(10) and (11) of the Clean Water Act, and by the "Nonpoint Source Program and Grants Guidelines for States and Territories" dated April 12, 2013. Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement in accordance with 2 CFR Part 200.340. This includes Semi-annual progress reports.

The recipient agrees to submit reports for all projects identified in the approved work plan, including those performed by the recipient, subgrantees, contractors, and through interagency agreements. Reports shall include a comparison of actual accomplishments to the outputs/outcomes established in the workplan for that period, the reasons for slippage if those outputs/outcomes could not be met, and any other pertinent information such as cost overruns.

Reports are due July 31<sup>st</sup> and January 31<sup>st</sup> of each year until the grant is closed. Reports can be submitted in GRTS. In accordance with 2 CFR Part 200.328(d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions arise which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

A final project report is due to the EPA Project Officer within 90 days after the end of the Assistance Agreement Project Period. The report must describe project activities and identify and discuss the extent to which project goals have been achieved, and the amount of funds spent on the project. The report should emphasize successes, failures, lessons learned, load reduction data, and should include any available water quality and habitat data demonstrating project results. Acceptance of final project reports is the responsibility of the EPA Project Officer. Final project reports will be provided electronically as attachments in GRTS, and submitted in hard copy if required. In addition, the GRTS database should be updated to reflect the project status as complete. If agreed by the Project Officer, these reporting requirements may be met by incorporating this data into existing GRTS data fields.

The recipient agrees to provide information required under Section 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. The Section 319 Annual Program Report will be due by February 1st. At a minimum, the report shall contain a brief summary of progress in meeting the schedule of milestones in the approved management program and reductions in nonpoint source pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Load reduction and water quality improvements shall be identified and reported in all priority Watershed Based Plans. These accomplishments should be compared to the implementation milestone goals/objectives identified in each priority plan. The goal information can be displayed in the form of a watershed goal/accomplishment chart showing percent achieved, supplemented by a short narrative that should give the reader a clear understanding of the actions being taken and the outputs and outcomes which are occurring from the actions. If monitoring was completed, a summary of that information should also be included. For example, if 1000 feet of streambank stabilization was completed, then how does that compare to the needs identified in the watershed based plan, i.e. what percent of streambank stabilization was completed compared to the overall needs as identified by the plan. Similar comparisons should also be provided for each significant pollutant load reduction. Data from the Watershed Plan Tracker may be used to satisfy this requirement. Failure to submit the annual NPS program report may affect the recipient's eligibility for future 319 grant funding.

The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System



(GRTS) for nonpoint source projects funded under Section 319 of the Clean Water Act, according to deadlines specified by EPA.

Initial data entry is due 90 days from award and includes all nationally mandated data elements except the geographic area (if still to be determined), best management practices (BMPs) and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by February 15<sup>th</sup> of each year for projects implementing BMPs in the previous fiscal year. In addition, EPA Region 3 requires that evaluations for all ongoing projects be completed every semiannually, i.e. June 30<sup>th</sup> and December 30<sup>th</sup> of each year. BMP and load reduction reporting shall be reported at the drainage area scale.

The recipient agrees to work with the EPA NPS program to track the implementation of priority watershed plans in to the Watershed Plan Tracker. EPA has agreed to enter goal and milestone data into the tracker and the state shall enter implementation data.

The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a Section 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with Section 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

### **3. Quality Assurance Project Plan**

In accordance with 2 CFR Part 1500.11, the recipient must develop and implement quality assurance and quality control procedures, specifications and documentation that are sufficient to produce data of adequate quality to meet project objectives. The Quality Assurance Project Plan (QAPP) is the document that provides comprehensive details about the quality assurance/quality control requirements and technical activities that must be implemented to ensure that project objectives are met. The QAPP should be prepared in accordance with EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans. The QAPP must be submitted to the EPA Project Officer at least 30 days prior to the initiation of data collection or data compilation.

Prior to environmental data collection or data compilation, the QAPP must be approved by the EPA Project Officer. When the recipient is delegating the responsibility for an environmental data collection or data compilation activity to another organization, the EPA Regional Quality Assurance Manager may allow the recipient to review and approve that organization's QAPP.

### **4. Quality Assurance Management Plan**

In accordance with 2 CFR 1500.11, the recipient shall continue to implement and adhere to the Quality Management Plan (QMP) submitted to EPA. The QMP should be updated annually or as necessary based on the EPA QA/R-2: EPA Requirements for Quality Management Plans. This quality assurance requirement applies to all grants, cooperative agreements, contracts and interagency agreements that involve the use of environmental data.

The recipient agrees to continue to implement and adhere to its EPA-approved Quality Management Plan (QMP) in accordance with EPA QA/R-2, EPA Requirements for Quality Management Plans. If not included under the approved QMP, a stand-alone QAPP is required for those projects/activities that result in the collection and/or generation of environmental information, metrics or data. The recipient agrees to ensure that an approved site specific QAPP is completed for each project. The QAPPs will be reviewed and approved by the recipient prior to the reimbursement for collection of any environmental information or data. A copy of the approved QAPPs must be retained with the recipient's official records for this Agreement.

### **5. Competency of Organizations Generating Environmental Measurement Data**

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance



Agreements, the recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, the recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement. A copy of the Policy is available online at <http://www.epa.gov/fem/pdfs/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

## **6. Watershed-based Plans and TMDLs**

Under the Section 319 guidelines, use of Section 319 "watershed project" funds requires that a watershed-based plan which includes all of the information in elements (a)--(i) as described in the section 319 grant guidelines, or an acceptable alternative plan be completed prior to implementation of on-the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the-ground project with Section 319 watershed project funds.

The recipient shall provide a copy of any watershed-based plan or acceptable alternative plan funded under Section 319 as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented; 319 funds expended; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information.

Each Section 319-funded TMDL will include the following elements: (1) total NPS existing loads and total NPS load reductions required to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type that will need to be controlled to achieve the load reductions required by the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

## **7. Operation and Maintenance**

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (sub-grant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub-agreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub recipient.

## **8. Maintenance of Effort/ Required Non-Federal Match**

State expenditures for NPS implementation activities must meet the annual maintenance of effort (MOE) level required under Section 319(h)(9) of the Clean Water Act in the Amount of \$3,030,886. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

## **9. Funding constraints**

In accordance with Section 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.



In accordance with Section 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source Management Program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

The recipient agrees to ensure that all necessary permits (such as Clean Water Act Section 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

The Virginia Department of Environmental Quality (VADEQ) has been provided NPS Program and Watershed Project funding allocations that were transmitted via an EPA HQ memo. The VADEQ will adhere to such allocations or has requested a waiver and through this grant action, modified allocations have been approved. In addition, the VADEQ will provide a spreadsheet with a breakdown by project for the proposed use of Program and Watershed Project funding to the EPA Project Officer.

#### **10. Program Income - Further Project Objectives**

The recipient agrees to use any program income generated during the project period to further eligible project or program objectives. The recipient shall have no obligation to EPA regarding program income earned after the end of the project period.

#### **11. Participation in Regional and National Meetings and Annual Program Review**

Exchanging information at Regional and National meetings is a critical part of an effective Nonpoint Source Management Program. Therefore, the recipient agrees to attend annual Nonpoint Source Manager's meetings and GRTS users meeting, as scheduled, unless agreed upon in advance by the EPA Project Officer.

In order to permit EPA to assess the adequacy of program progress, the recipient agrees to annually participate in a detailed on-site evaluation. This evaluation schedule will be negotiated by the recipient and the EPA State Program Manager. The State agrees to budget for one yearly trip to the EPA Regional office in Philadelphia, in the event that the parties agree that such an evaluative visit to the EPA Regional office is necessary to assess the adequacy of program progress.

#### **12. NPS Success Stories**

Recipient agrees to draft a minimum of one water quality improvement success story each fiscal year. The story must follow the format located @ <http://www.epa.gov/owow/keep/NPS/Success319/pdf/storyformat0607.pdf>. If the recipient does not have a water quality/ecological improvement success then they shall provide a minimum of two programmatic success stories.

#### **13. Geospatial Data Standards**

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at [www.fgdc.gov](http://www.fgdc.gov).

#### **14. Public Awareness**

##### **a. Outreach Signage Requirements**

If the 319 award includes an outreach component, the recipient agrees to provide signage that informs the

public that the project is funded by EPA. The signage shall contain the EPA logo. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available at: <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. The EPA Logo will be displayed meeting the following specifications: [http://www.epa.gov/ogd/tc/epa\\_logo\\_seal\\_specifications\\_for\\_infrastructure\\_grants.pdf](http://www.epa.gov/ogd/tc/epa_logo_seal_specifications_for_infrastructure_grants.pdf). If the physical design of the sign allows, it should also include the following text:

"This project has been funded by the United States Environmental Protection Agency"

or

"This cooperative project has been funded in part by the United States Environmental Protection Agency"

Exceptions to including the EPA logo may be made by the Regional 319 Coordinator on recommendation by the State.

#### b. Announcements

The grant recipient agrees that announcements through the web or print materials for Workshop, conference, demonstration days or other events as part of a project funded by a 319 assistance agreement shall contain a statement that the materials or conference has been funded by the United States Environmental protection Agency.

#### c. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days notice.

#### d. Limited English Proficiency Communities

To increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

### **15. State Grant Cybersecurity Condition**

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information



Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

#### **16. Programmatic Subaward Reporting Requirement**


The recipient must report on its subaward monitoring activities under [2 CFR 200.331\(d\)](#). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at [2 CFR 200.331\(e\)](#), [2 CFR 200.207](#) and the [2 CFR Part 200.338](#) Remedies for Noncompliance.

#### **17. Pre-Award Costs Approval**

Pre-Award costs have been approved in accordance with the recipient's application dated 4/12/2017. Justification is that this award is part of a continuation grant program. Reimbursement of pre-award costs is authorized under 40 CFR 35.113.”.



	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		<b>GRANT NUMBER (FAIN): 00349917</b>		<b>DATE OF AWARD</b> 09/26/2017		
			<b>MODIFICATION NUMBER: 1</b>				
			<b>PROGRAM CODE: C9</b>		<b>TYPE OF ACTION</b> Augmentation: Increase		<b>MAILING DATE</b> 10/03/2017
			<b>PAYMENT METHOD:</b> ASAP		<b>ACH#</b> 30359		
<b>RECIPIENT TYPE:</b> State			<b>Send Payment Request to:</b> N/A				
<b>RECIPIENT:</b> VA Dept of Environmental Quality 629 E Main St Richmond, VA 23219 EIN: 54-1661753			<b>PAYEE:</b> VA Dept of Environmental Quality 629 E Main St Richmond, VA 23219				
<b>PROJECT MANAGER</b>		<b>EPA PROJECT OFFICER</b>		<b>EPA GRANT SPECIALIST</b>			
Nicole Sandberg 629 E Main St Richmond, VA 23219 E-Mail: nicole.sandberg@deq.virginia.gov Phone: 804-698-4043		Diana Saintignon 1650 Arch Street , 3WP10 Philadelphia, PA 19103-2029 E-Mail: saintignon.diana@epa.gov Phone: 215-814-2760		Bernie McCullagh Grants and Audit Management Branch, 3PM70 E-Mail: Mccullagh.Bernie@epa.gov Phone: 215-814-5403			
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> FY 17 VADEQ NPS Program This amendment provides additional supplemental and incremental assistance of \$1,693,500 to fully fund the revised workplan to support the recipient in implementing their EPA approved CWA Section 319(h) nonpoint source pollution control activities. Total Federal participation is now \$3,255,500, including \$10,000 EPA in-kind. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.							
<b>BUDGET PERIOD</b> 07/01/2017 - 06/30/2022		<b>PROJECT PERIOD</b> 07/01/2017 - 06/30/2022		<b>TOTAL BUDGET PERIOD COST</b> \$5,425,833.00			
				<b>TOTAL PROJECT PERIOD COST</b> \$5,425,833.00			
<b>NOTICE OF AWARD</b>							
Based on your Application dated 04/12/2017 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,693,500. EPA agrees to cost-share <u>60.00</u> % of all approved budget period costs incurred, up to and not exceeding total federal funding of \$3,255,500. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.							
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>				
<b>ORGANIZATION / ADDRESS</b>			<b>ORGANIZATION / ADDRESS</b>				
US EPA Region 3, 3PM70 1650 Arch Street Philadelphia, PA 19103-2029			U.S. EPA, Region 3 Water Protection Division 3WP00 1650 Arch Street Philadelphia, PA 19103-2029				
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>							
Digital signature applied by EPA Award Official for Diana Esher - Assistant Regional Administrator for Policy and Management John Krakowiak - Award Official delegate					<b>DATE</b> 09/26/2017		

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,552,000	\$ 1,693,500	\$ 3,245,500
EPA In-Kind Amount	\$ 10,000	\$	\$ 10,000
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 2,046,000	\$ 124,333	\$ 2,170,333
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 3,608,000	\$ 1,817,833	\$ 5,425,833

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1703LL0190	17	E1	03L5	202B01	4117			1,693,500
									1,693,500

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$476,917
2. Fringe Benefits	\$207,650
3. Travel	\$10,250
4. Equipment	\$0
5. Supplies	\$3,500
6. Contractual	\$26,500
7. Construction	\$0
8. Other	\$4,565,092
9. Total Direct Charges	\$5,289,909
10. Indirect Costs: % Base See Admin Condition #2	\$135,924
11. Total (Share: Recipient 40.00 % Federal 60.00 %.)	\$5,425,833
12. Total Approved Assistance Amount	\$3,255,500
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,693,500
15. Total EPA Amount Awarded To Date	\$3,255,500